

**REMARKS**

Claims 1-37 were originally filed and were subject to restriction. In the Office Action dated 22 February 2007, the Examiner rejoined the claims of Group I and Group II, claims 1-37.

Claims 1, 3, 4, 7, 9, 11, 32, 33, and 37 are canceled above without prejudice to their renewal. Claims 2, 8, 10, 12-17, 19-22, 24, 25, 27, 28, 30, and 34-36 are amended above. Claims 2, 5, 6, 8, 10, 12-31, and 34-36 are pending.

Support for amended claims 2, 8, 19-22, 25, 27, 28, 30, and 34-36 can be found at least at paragraphs [0135] and [0136] of the specification as originally filed. Support for amended claims 10, 19-21, 28, 30, 35, and 36 can be found in claim 27 as originally filed and throughout the specification at, for example, paragraphs [0022], [0024], [0109], [0110], and [0111]. Dependent claims 12-17 are amended above to remove their dependency from canceled claims 1, 9, and 11; these claims, as amended, properly depend from non-canceled claims 2 and 10.

No new matter is added by any of these amendments.

## **RESPONSE**

### **1. Rejection of claims 1-37 under 35 U.S.C. 112, 1<sup>st</sup> paragraph**

The Examiner rejected claims 1-37 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that “the present claim encompasses all function without structure....” (Office Action, page 4.) The Examiner further stated that a written description requirement “may be satisfied...by functional characteristics coupled with a known or disclosed correlation between structure and function....” (Office Action, page 4.)

Accordingly, claims 2, 8, 19-22, 25, 27, 28, 30, and 34-36 are amended above to recite “a compound that ... is a structural mimetic of 2-oxoglutarate....” As discussed with the Examiner during the 11 December 2007 interview, support for this amendment is found in the specification at least at paragraphs [0134], [0135] and [0136], which describe functional characteristics of structural mimetics of 2-oxoglutarate and discloses correlation between structure and function thereof, and these claims are thus free of this rejection. Claims 1, 3, 4, 7, 9, 11, 32, 33, and 37 are canceled above and the rejection is thus moot as to these claims.

For at least the above reasons, withdrawal of the rejection of claims 1-37 under 35 U.S.C. 112, 1<sup>st</sup> paragraph, as failing to comply with the written description requirement is thus respectfully requested.

### **2. Rejection of claims 1-37 under 35 U.S.C. 102**

The Examiner rejected claims 1-37 under 35 U.S.C. 102(b) as being anticipated by Muller (EP 0878 480). This rejection is respectfully traversed.

As stated previously in the 21 March 2007 Response to Office Action, Applicants note that Muller fails to disclose any method for regulating glucose metabolism or any method for treating diabetes, nor does Muller disclose any subject matter relating to glucose metabolism, hyperglycemia, or diabetes, as recited in the present claims. Therefore, Muller fails to anticipate the instant claims for at least these reasons.

However, to expedite prosecution and provide additional clarification of the present methods as claimed, claims 10, 19-21, 28, 30, 35, and 36 are amended above to recite a subject “having or at risk for having hyperglycemia or diabetes.” As discussed in the 11 December 2007 Examiner interview, Muller does not teach or provide any disclosure relating to such a subject. As Muller fails to disclose or teach methods relating to glucose metabolism treating diabetes, and further fails to provide any disclosure or teaching relating to a subject having or at risk for having hyperglycemia or diabetes, as recited in the instant claims, Muller does not anticipate claims 2, 5, 6, 8, 10, 12-31, and 34-36. Claims 1, 3, 4, 7, 9, 11, 32, 33, and 37 are canceled above and the rejection is thus moot as to these claims.

Therefore, Applicants respectfully request withdrawal of the rejection of these claims under 35 U.S.C. 102(b) as being anticipated by Muller (EP 0878 480).

**CONCLUSION**

In view of the foregoing, Applicants submit that the claims are fully in condition for allowance and request notification to that effect.

The Commissioner is hereby authorized to charge the total of any fee necessary in this communication to Deposit Account No. 50-0811, referencing Docket No. FP0602.1 US. This response is enclosed in duplicate.

Please call Applicants' representative at 650-866-7289 with any questions regarding the present communication or the above-referenced application.

Respectfully submitted,

Date: \_\_\_\_\_

By: \_\_\_\_\_

James E. Nesbitt, Ph.D.  
Reg. No. 54,575

FibroGen, Inc.  
225 Gateway Boulevard  
South San Francisco, CA 94080  
Main: 650.866.7200  
Direct: 650.866.7289  
Facsimile: 650.866.7292  
[jnesbitt@fibrogen.com](mailto:jnesbitt@fibrogen.com)